

What Other States Should Know about Indiana's Title IV-D Child Support Program

Administration

- The Indiana child support program is administered by the Department of Child Services, Child Support Bureau, located in Indianapolis.
- Title IV-D services are offered in each of Indiana's 92 counties through the Prosecutors' offices. County Clerks accept and process cash payments of child support. Elected Prosecutors and elected Clerks sign biannual cooperative agreements with CSB to provide local Title IV-D services.
- Indiana's IV-D case load was 299,648 as of 08/31/2014 with 18,152 Initiating and 19,306 Responding Intergovernmental cases.

Computer Technology

- The Statewide computer system is Indiana Support Enforcement Tracking System (ISETS). ISETS contains both IV-D and non IV-D cases. All child support payments are processed through ISETS. Indiana is in the process of gathering requirements and conducting a feasibility study for a new system to replace ISETS, which will be INvest.
- The toll-free KidsLine (1-800-840-8757) is operated by the Child Support Bureau and is staffed Monday through Friday from 7:00 a.m. to 6:00 p.m. Eastern Time. Customer service representatives assist participants with questions about their cases, and foreign language services are available. Participants can also access recent child support payment information by interactive voice recognition (IVR) system 24 hours/day. The KidsLine is for public use.
Child support workers from outside Indiana should contact the ICRU directly at 317-232-3447 for better service.
- Employers can submit child support withholdings electronically via SupportNet.
- Indiana's child support website is at <http://www.in.gov/dcs/support.htm>. NCPs can make payments on-line and can view the most recent five payments posted. CPs can view the most recent five payments disbursed.
- CSENet is available to both state and county IV-D workers. Please be advised that CSENet communication with Indiana is not always reliable. A secondary and/or follow up method of communication is recommended.
- The federal State Services Portal is available to both state and county IV-D workers. Indiana has implemented the Electronic Document Exchange, EDE feature of the portal in 2014. All Indiana counties are currently using EDE.

Paternity Establishment

- Paternity may be established by affidavit, either at the hospital within 72 hours of the child's birth or at a local health department any time before the child is emancipated.
- A paternity affidavit may be rescinded within 60 days after execution.
- After more than 60 days has elapsed, a paternity affidavit may be set aside only if the court finds that fraud, duress, or material mistake of fact existed at the time the affidavit was signed and a DNA test excludes the man.
- Paternity may also be established by judicial order, either upon agreement of the parties or at the conclusion of a contested hearing.
- A court must order DNA testing if, prior to the establishment of paternity, any party requests it.
- A DNA result of 99% or higher creates a rebuttable presumption of paternity.
- Indiana gives full faith and credit to paternity determinations from other governmental entities, whether established by affidavit or court order.

Support Order Establishment

- Child support obligations must be established by judicial order. There is no administrative process for child support establishment.
- Child support obligations must conform to Indiana's Child Support Guidelines, which are established by the Indiana Supreme Court. A standard Child Support Obligation Worksheet is used to determine the presumptive amount of child support based upon both parents' income, other children, day care expenses, and health insurance costs. Courts are required to order the presumptive child support amount unless the judge makes a finding that a deviation is warranted because of unusual circumstances.
- For incarcerated parents, Courts are required to consider only the income actually available to the parent while incarcerated. Courts may not impute income based on the parent's actual or potential earning ability prior to incarceration. Many courts automatically issue a zero support order when the NCP is incarcerated.
- Many courts permit parties to draw up agreements for child support and submit them, along with the child support obligation worksheets, to the court for approval without a hearing.

- Most child support amounts are calculated on a weekly basis, pursuant to the Indiana Child Support Guidelines. Orders from other States that use a different frequency will not be converted to weekly amounts.
- Child support *may* be made retroactive to the date the petition was filed, at the discretion of the judge, in divorce cases. In paternity cases, child support *must* be made retroactive to the date the petition was filed, and *may* be made retroactive to the birth of the child at the discretion of the judge.

Review and Adjust

- All IV-D participants receive notice once every three years of their right to request a review and possible adjustment of the child support order. A participant in another State may receive a right to review notice directly from Indiana.
- For TANF cases, the three-year review is mandatory. For non-TANF cases, either party may request a review at any time through the Prosecutor's Office that manages the case. Parties may also file petitions to modify child support directly with the court.
- Modifications of child support must be by judicial order. There is no administrative process for adjustment or modification of child support.
- Modifications of support are warranted only when there has been a substantial and continuing change of circumstances that makes the current order unreasonable, or when at least one year has elapsed since the most recent child support order was issued and a new calculation of child support using the Indiana Child Support Guidelines would result in at least a 20% increase or decrease from the current order.
- Incarceration is a substantial and continuing change that gives the NCP a right to seek a modification of support. The modified support amount must be based on the inmate's actual income while incarcerated, not the inmate's actual or imputed earning ability prior to incarceration. It is an increasingly common practice for judges to automatically modify support orders to zero during the period of incarceration.
- Modifications may be made retroactive to the date the petition to modify was filed, at the discretion of the judge.

Medical Support

- Establishment of medical support is part of Indiana's Child Support Guidelines and is accomplished at the same time that child support is established. Indiana uses a "6% rule", where the custodial parent is responsible for paying the child(ren)'s uninsured health care expenses each year up to an amount that is equal to 6% of the total child support award. Once that amount is exceeded for the year, the parents share responsibility for payment of uninsured health care expenses in proportion to their incomes.
- Courts must enter orders for one or both parents to carry health insurance for the child(ren) whenever it is available at reasonable cost. Many courts choose to order both parents to carry health insurance for the child(ren).
- Indiana sends National Medical Support Notices to noncustodial parents' employers, but does not enforce medical support against custodial parents. Indiana does not currently enforce medical support against custodial parents.
- Indiana does not enforce or establish Medical Only court orders.

Enforcement

- Administrative enforcement tools include:
 - Automated income withholding
 - Automated withholding of child support from unemployment compensation, worker's compensation, and social security benefits
 - State tax offset for cases with arrears of \$150.00 or more
 - Federal tax offset (Note: As the initiating State, Indiana informs responding States of IRS collections only via CSENet)
 - Income withholding of child support from financial accounts (FIDM) – Note that this tool is not automated and its use is left to individual counties' discretion. In addition, many financial institutions in Indiana will not accept an out-of-state freeze and seize order.
 - Automated vehicle liens for cases with arrears of \$1000.00 and no payment within 90 days.
 - Liens can be placed on real and personal property. Overdue child support arrears are civil judgments as a matter of law, and liens must be satisfied before the property can be sold or transferred.
 - Credit bureau reporting
 - Passport suspension
- Driver's and hunting/fishing license suspension – Note that the use of this tool is left to the individual counties' discretion. Also, while Indiana statute permits the suspension of a wide variety of professional licenses for delinquent child support, Indiana currently does not suspend any licenses other than driving, hunting, and fishing at this time.

- **Judicial Enforcement:**
 - Civil contempt – Enforcement by civil contempt is widely used. County prosecutors may file a petition for contempt with the court when the NCP becomes the equivalent of four weeks delinquent. The State must prove that the failure to pay support as ordered was willful and that the NCP had the ability to pay. Incarceration is a defense to a contempt action. Punishments for contempt may include suspended or executed sentences of incarceration, work release or house arrest; orders to search for employment, obtain education or a driver’s license; requirements to attend counseling, education classes, or treatment programs; and screening for alcohol and drug use.
 - Arrears only cases – Due to differing interpretations of current case law, Indiana’s courts are divided on the use of contempt to enforce arrears only cases. The majority of courts will not grant a petition for contempt in such cases, while a minority of courts will make a finding of contempt, if appropriate, but will not use incarceration as a punishment.
 - Criminal non-support – Failure to support a dependant child is a class D felony, and it increases to a class C felony if the amount of support owed is \$15,000 or more.

Payment Processing

- Indiana State Central Collection Unit (INSCCU) is the State Disbursement Unit.
- All child support payments are processed through INSCCU, with the exception of cash payments which are received and disbursed by County Clerks.
- Addresses for INSCCU:
 - NCP payments: PO Box 7130, Indianapolis, IN 46207-7130
 - Employer payments: PO Box 6219, Indianapolis, IN 46206-6219
 - Interstate Payments: PO Box 6098; Indianapolis IN 46206-6098
 - **Return Address for Adjustments Only: 402 W Washington St MS 11; Indianapolis IN 46204**
- Child support payments are disbursed via stored value cards (EPPICard/Debit Card) or by direct deposit to CP’s bank account. Debit cards are not issued to CPs if another state is the payee of a support obligation.

Intergovernmental Cases

- The Central Registry of the Child Support Bureau receives all new intergovernmental requests and, after review, forwards to the appropriate county prosecutor.
- Initiating states should work directly with the county office to which the case was referred, whenever possible. If an initiating state has questions or concerns that they have not been able to resolve with the local county, they may contact the Central Registry for assistance.
- Requests for certified court orders and payment histories should be made to the county clerk.
- Requests for affidavits of arrears in IV-D cases should be made to the county prosecutor.
- Requests for arrears information in non IV-D cases should be made to the Central Registry. Note that Indiana does not provide affidavits of arrears for non IV-D cases. The Central Registry will provide a complete set of court orders, payment history, and a general information sheet that can be used to calculate arrears balances including the use of interest charges and the age of emancipation in Indiana.

Miscellaneous

- Interest on child support arrears – Statutory interest on all civil judgments, including child support is 8% per annum. No court order is necessary. Whether or not to assess judgment interest in child support cases is left to the discretion of county prosecutors and is rarely used. Courts, at their discretion, may also order interest on child support arrears in amounts up to 18% per annum. This also is rarely used.
- Fees –
 - \$55.00 annual fee charged to the NCP to process and record payment information.
 - \$25.00 one-time application fee to open a Title IV-D case, waived for TANF and Medicaid recipients.
- Emancipation Age - Effective July 1, 2012, the emancipation age in Indiana is 19, unless the child is emancipated prior to age 19 by judicial order.
- Deficit Reduction Act – Indiana has not fully implemented DRA. Effective 10/1/08, IRS intercepts are distributed in accordance with the Federal distribution hierarchy. Effective 10/1/09, assignment of support rights is limited to time period during which family is actually receiving TANF benefits.